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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,550	05/21/2007	Giovanni Stefani	292784US6PCT	9838

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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YABUT, DANIEL D

ART UNIT	PAPER NUMBER
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3656

NOTIFICATION DATE	DELIVERY MODE
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03/30/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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<b>Office Action Summary</b>	<b>Application No.</b> 10/583,550	<b>Applicant(s)</b> STEFANI, GIOVANNI	
	<b>Examiner</b> DANIEL YABUT	<b>Art Unit</b> 3656	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 25, 35 and 36 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 25, 35 and 36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 25, 35, and 36** rejected under 35 U.S.C. 103(a) as being unpatentable over Ivan (US Patent 4,870,871) in view of Kanai et al. (US Patent 5,634,534).

Ivan discloses an adjustable set of pedals for a motor vehicle (Fig. 1) comprising a(n):

#### *Re claim 25*

- First pedal (12) for braking of the motor vehicle
- Second pedal (16) for acceleration of the motor vehicle
- Slide (at 24, 22, 58) supporting the first and second pedals
- Adjustment device (C3 / L27-49) for controlling selectively the position of the slide with respect to a frame of the motor vehicle and comprising a crank mechanism set between the slide and the frame (C2 / L19-20).
- Adjustment device comprising a first guide (50) extending in a first direction and supporting the slide which is mobile along the first guide (see in Fig. 1)
- Control rod (20) parallel to the first direction, slidably engaged through the first pedal, and connectable with the first pedal for actuating a braking device of the motor vehicle (see in Fig. 1)
- First clamp (58) for blocking the slide along the first guide

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- First actuator device (at 58) for actuating the first clamp between a first position of clamping of the slide along the first guide and a first position of release (C2 / L66-68; C3 / L17-26).

However, Ivan does **not** expressly disclose the adjustment device having the first actuator device for actuating the first clamp between the first position of clamping of a slide along the first guide and the first position of release, the first clamp comprising a plurality of first clamping members carried by the slide, distributed around the first guide, and mobile away from and towards the first guide, and the first actuator device comprises a first actuator for displacing the first clamping members from the first position of clamping to the first position of release, and a second actuator for displacing the first clamping members from the first position of release to the first clamping position.

Kanai et al. teaches the use of an adjustment device (Fig. 1) having a first actuator device (Fig. 5) for actuating a first clamp between a first position of clamping (Fig. 2) of a slide (at 10) along a first guide (at 20 in Fig. 1) and a first position of release (Fig. 3), the first clamp comprising a plurality of first clamping members (22aE; Fig. 1) carried by the slide, distributed around the first guide, and mobile away from and towards the first guide, and the first actuator device comprises a first actuator for displacing the first clamping members from the first position of clamping to the first position of release (36), and a second actuator (30) for displacing the first clamping members from the first position of release to the first clamping position for the purpose of providing an improved locking mechanism which permits for easy and positive locking operation (C1 / L60-62), thus providing a simplified mechanism that facilitates length adjustment (C1 / L8-12).

It would have been obvious to one having ordinary skill in the art at the time of the invention to alternatively provide the adjustment device having the first actuator device for actuating the first clamp between a first position of clamping of the slide along the first guide and a first position of release, the first clamp comprising a plurality of first clamping members carried by the slide, distributed around the first guide, and mobile away from and towards the first guide, and the first actuator device comprises a first actuator for displacing the first clamping members from the first position of clamping to the first position of release, and a second actuator for displacing the first clamping members from the first position of release to the first clamping position, as taught by Kanai et al., in the device of Ivan for the purpose of providing an improved locking mechanism which permits for easy and positive locking operation, thus providing a simplified mechanism that facilitates length adjustment.

Ivan as modified above further discloses the following:

*Re claim 35*

- First pedal (12) for braking of the motor vehicle
- Second pedal (16) for acceleration of the motor vehicle
- Slide (at 24, 22, 58) supporting the first and second pedals
- Adjustment device for controlling selectively the position of the slide with respect to a frame of the motor vehicle (see near 20 and 50 in Fig. 1) and comprising a crank mechanism (near 44; Fig. 3 in Kanai et al.) set between the slide and the frame
- Adjustment device comprising a first guide (50) extending in a first direction and supporting the slide which is mobile along the first guide

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- Control rod (20) parallel to the first direction, slidably engaged through the first pedal, and connectable with the first pedal for actuating a braking device of the motor vehicle
- Second clamp (at 12; Fig. 3 in Kanai et al.) is provided for blocking the first pedal along the control rod
- Second actuator device to actuate the second clamp between a second position of clamping (Fig. 2; Kanai et al.) of the first pedal along the control rod and a second position of release (Fig. 3; Kanai et al.)
- Second clamp comprises a plurality of second clamping members (22aE; Kanai et al.) carried by the first pedal, distributed around the control rod, and mobile away from and towards the control rod (see in at least Fig. 2 in Kanai et al.)
- Second actuator device comprises a third actuator the second clamping members from the second position of clamping to the second position of release (at 36; Kanai et al.)
- Fourth actuator displacing the second clamping members from the second position of release to the second clamping position (see at 30; Kanai et al.)

*Re claim 36*

- First pedal (12) for braking of the motor vehicle
- Second pedal (16) for acceleration of the motor vehicle
- Slide (at 22, 24, 58) supporting the first and second pedals
- Adjustment device (near 22, 58) for controlling selectively the position of the slide with respect to a frame of the motor vehicle and comprising a crank mechanism (Fig. 1; Kanai et al.) set between the slide and the frame

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- First guide (50) extending in a first direction and supporting the slide which is are mobile along the first guide
- Control rod (20) parallel to the first direction, slidably engaged through the first pedal, and connectable with the first pedal for actuating a braking device of the motor vehicle
- First pedal is rotatably mounted on the slide for oscillating about a second axis of fulcrum (at 24; Fig. 1)
- Third clamp (at 12; Kanai et al.) provided for blocking angularly the first pedal about the axis of fulcrum, and a third actuator device (at 12 in Fig. 3 of Kanai et al) designed to actuate the third clamp between a third position of clamping of the first pedal about the second axis of fulcrum and a third position of release (Fig. 3; Kanai et al.)

### ***Response to Arguments***

Applicant's argument filed 8/3/2009, with respect to the rejection(s) of claim(s) 25, 35 and 36 under 35 U.S.C. §112: have been fully considered. However, the rejection has been withdrawn and upon further consideration, a new ground(s) of rejection is made in view of the art combination of Ivan (US Patent 4,870,871) and Kanai et al. (US Patent 5,634,534).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANIEL YABUT whose telephone number is (571)270-5526. The examiner can normally be reached on Monday through Friday from 9:00 A.M. to 5:00 P.M. EST.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard W. Ridley can be reached on (571)272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DANIEL YABUT/  
Examiner, Art Unit 3656  
3/23/2010

/Richard WL Ridley/  
Supervisory Patent Examiner, Art Unit 3656